

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

MAY 03 1995

Date of filing in State Engineer's Office.

Returned to applicant for correction.

Corrected application filed.

Map filed.

MAY 03 1995 UNDER 61201-T

The applicant FIRSTMISS GOLD, INC.PO BOX 220

Street and No. or P.O. Box No.

of

GOLCONDA

City or Town

NEVADA 89414

State and Zip Code No.

hereby make S. application for permission to change the

POINT OF DIVERSION, MANNER AND PLACE OF USE OF ALL

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under

PERMIT 28759

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

Identify right in Decree.

1. The source of water is UNDERGROUND
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 3 CFS; 706 million gallons annual duty
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for mining, MILLING, DEWATERING
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for MINING, MILLING, AND DOMESTIC
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point WITHIN NW¹ NE¹ S.33, T39N, R42E,
Describe as being within a 40-acre subdivision of public survey and by course and
AT A POINT FROM WHICH THE NE COR. OF SAID S.33 BEARS N 63° 14' 41"
distance to a section corner. If on unsurveyed land, it should be stated.
E, 2148.44 FT. DISTANT, FROM A WELL KNOWN AS DW-1.
6. The existing permitted point of diversion is located within NE¹ NW¹ S.8, T38N, R43E, MDM,
If point of diversion is not changed, do not answer.
OR AT A POINT FROM WHICH THE NORTH ONE QUARTER CORNER OF SAID S.8
BEARS N 04° 37' 27"E, 724.79 FT.
7. Proposed place of use WITHIN SECTIONS 21, 22, 23, 26, 27, 28, 29, 32, 33, & 34
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
IN T39N, R42E; AND WITHIN SECTIONS 3, 4, 9, & 10 IN T38N, R42E, ALL
MDM.
8. Existing place of use PORTION OF NW¹ S.33, T39N, R42E, MDM; PORTION OF THE
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
SW¹ SW¹ AND PORTION OF SE¹ SW¹, S.28, T39N, R42E, MDM.
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) INSTALL A NOMINAL 2400 FT. DEEP
State manner in which water is to be diverted, i.e. diversion structure.
WELL
ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$600,000
13. Estimated time required to construct works 6 MONTHS

14. Estimated time required to complete the application of water to beneficial use..... 10 YEARS

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

THIS APPLICATION IS TO MOVE THE DUTY AND THE DIVERSION RATE TO THE
LOCATION KNOWN AS DW-1.

By s/Michael S. Smith, Agent
3210 MARKRIDGE DR
RENO, NV 89509

Compared nsr/jk cl/cmg

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion, place of use and manner of use of the waters of an underground source as heretofore granted under Permit 28759 is issued subject to the terms and conditions imposed in said Permit 28759 and with the understanding that no other rights on the source will be affected by the change proposed herein. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.

This temporary permit will allow the permittee to dewater the pit area and underground mine. It is understood that any water pumped as a result of this dewatering operation will be used first by the permittee for surface and underground mining, milling, leaching, drilling, road watering and other related mining uses herein after referred to as mining and milling uses within the described place of use on this permit.

The State Engineer retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights. Any water produced from this dewatering
(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.0 million gallons annually, but not to exceed 706.0 cubic feet per second

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

Map in support of proof of beneficial use shall be filed on or before

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

R. MICHAEL TURNIPSEED, P.E.
IN TESTIMONY WHEREOF, I, _____,
State Engineer of Nevada, have hereunto set my hand and the seal of my

28th December

office, this _____ day of _____,

95

A.D. 19_____

[Signature]
State Engineer

TEMPORARY

EXPIRED

DATE 5-3-96

(PERMIT TERMS CONTINUED)

operation and not used for mining and milling purposes may be injected or infiltrated back to the Kelley Creek Groundwater Basin on a temporary basis for testing purposes only. Any infiltration or injection of water must have the necessary permits issued by the Nevada Division of Environmental Protection. The design of the infiltration system or other disposal method and the delivery system to the site will be submitted to the State Engineer. It is understood that this right must allow for a reasonable lowering of the static water level.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate land.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection relating to the dewatering project.

The total combined duty of water under Permits 10369, Certificate 2757; 10370, Certificate 2758; 28758, Certificate 13803; 28759; 45730, Certificate 13805, 45731, Certificate 13806; 45732, Certificate 13807; 49815, Certificate 13809; 51990; 52476, Certificate 13817; 53015; 53030; 61201-T; 61202-T; 61557-T; 61558-T; 61559-T; 61667-T and 61687-T shall not exceed 799.75 million gallons annually.

Monthly records will be kept of the following: the volume of water pumped from each well, the volume of water consumptively used for mining and milling uses projectwide, and the amount of water discharged to infiltration or surface disposal. These records will be submitted within 15 days after the end of each calendar quarter. A method that estimates the amount of evaporative losses from the discharge system will be submitted with the monthly report. The evaporative losses will be considered as a part of the combined duty for consumptive purposes.

All of the above stated conditions are subject to having no adverse impacts on existing rights.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on December 27, 1996 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

